

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 MARIO ALEJANDRO LOPEZ,

Case No. 2:19-cv-01308-APG-NJK

4 Petitioner,

ORDER

v.

5 BRIAN E. WILLIAMS, et al.,

6 Respondents.

7
8 This *pro se* habeas petition comes before me for consideration of petitioner Mario
9 Lopez's application for leave to proceed *in forma pauperis* (ECF No. 1), his motion for
10 appointment of counsel (ECF No. 2), and for preliminary review under Rule 4 of the Rules
11 Governing Section 2254 Cases in the United States District Courts.

12 Lopez is unable to pay the filing fee. The application for leave to proceed *in forma*
13 *pauperis* will therefore be granted.

14 Appointment of counsel is in the interests of justice given, among other things, the issues
15 involved in the case, Lopez's lengthy sentence (31 to 84 years), and Lopez's English language
16 limitations. Lopez's motion for appointment of counsel will therefore be granted, and counsel
17 will be appointed to represent him in these proceedings.

18 IT THEREFORE IS ORDERED that Lopez's application to proceed *in forma pauperis*
19 (ECF No. 1) is **GRANTED**. Lopez will not be required to pay the filing fee.

20 IT IS FURTHER ORDERED that Lopez's motion for appointment of counsel (ECF No.
21 2) is **GRANTED**.


22 IT IS FURTHER ORDERED that the Federal Public Defender shall be provisionally
23 appointed as counsel and shall have 30 days to undertake direct representation of Lopez or to
indicate the office's inability to represent him in these proceedings. If the Federal Public

1 Defender is unable to represent Lopez, I will appoint alternate counsel. The counsel appointed
2 will represent Lopez in all federal proceedings related to this matter, including any appeals or
3 certiorari proceedings, unless allowed to withdraw. A deadline for the filing of an amended
4 petition or seeking other relief will be set after counsel has entered an appearance. I anticipate
5 setting the deadline for approximately 90 days from entry of the formal order of appointment.
6 Any deadline or extension will not signify any implied finding of a basis for tolling during the
7 time period established. Lopez at all times remains responsible for calculating the running of the
8 federal limitation period and timely presenting claims. That is, by setting a deadline to amend
9 the petition or by granting any extension, I make no finding or representation that the petition,
10 any amendments thereto, or any claims are not subject to dismissal as untimely. *See Sossa v.*
11 *Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).

12 IT IS FURTHER ORDERED, so that the respondents may be electronically served with
13 any papers filed through counsel, that the Clerk shall add state attorney general Aaron D. Ford as
14 counsel for the respondents and shall make informal electronic service of this order upon the
15 respondents by directing a notice of electronic filing to him. The respondents' counsel shall
16 enter a notice of appearance within 21 days of entry of this order, but no further response shall be
17 required from the respondents until further order of the Court.

18 The Clerk shall send a copy of this order to Lopez, the Nevada Attorney General, the
19 Federal Public Defender, and the CJA Coordinator for this division.

20 Dated: July 31, 2019.

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22 _____
23 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE